

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION has adopted amendments to 2 Parts affecting telecommunications carriers: "Annual Reports" (83 Ill Adm Code 210; 37 Ill Reg 17127); "Reports of Accidents by Telecommunications Carriers and by Fixed Public Utilities Other Than Pipelines Transporting Liquids" (83 Ill Adm Code 220; 37 Ill Reg 17130). Both rulemakings are effective 7/11/14. Amendments to Parts 210 implement provisions of Public Act 98-45, requiring electing providers and those providers offering solely competitive telecommunications services to file annual reports with ICC only to the extent required by ICC and allowing the provider to use the most recent version of Generally Accepted Accounting Practices or other systems it uses for financial reporting purposes. Amendments to Part 220 remove redundant requirements for telecommunications carriers subject to public utilities regulation under Section 13-101 of the Public Utilities Act [220 ILCS 5/13-101]. Due to recent changes in the telecommunications market, the Part now applies only to a minority of telecommunications services and continued applica-

tion is no longer in the public interest and the costs outweigh the benefits. Providers will continue to be required to report accidents involving loss of life or limb occurring to or on a carrier's plant, equipment or other property and ICC retains authority to investigate any accident resulting in loss of life or injury to persons or property occurring on telecommunications' property.

Questions/requests for copies: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment to "Income Tax" (86 Ill Adm Code 100; 38 Ill Reg 5148) providing guidance on the treatment of the Angel Tax Credit, effective 7/9/14. The credit is equal to 25% of investment in new companies engaged in innovation. The rulemaking reflects statute and addresses years the credit may be taken, limitation on the size of the credit, how the credit is handled when the investor is a partnership or subchapter S corporation, documen-

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Proposed Regulations

MERCURY THERMOSTAT COLLECTION

The ENVIRONMENTAL PROTECTION AGENCY proposed a new Part "Collection of Out-of-Service Mercury Thermostats" (35 Ill Adm Code 190; 38 Ill Reg 15811) setting collection goals for the Agency for mercury thermostat collection programs for calendar years 2015-2020.

Questions/requests for copies/comments through 9/8/14: James Jennings, EPA, 1021 N. Grand Avenue East, PO box 19276, Springfield, IL 62794-9276, 217/782-5544; email James.M.Jennings@illinois.gov.

MEDICAL GRANTS

The DEPARTMENT OF PUBLIC HEALTH has proposed amendments to "Visa Waiver Program for International Medical Graduates" (77 Ill Adm Code 591; 38 Ill Reg 15816) and "Dental Student Grant Act" (77 Ill Adm Code 592; 38 Ill Reg 15847). The first rulemaking adds new definitions, clarifies eligibility requirements, updates application criteria, revises selection standards; and amends the term of

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NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

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tation, need for a certificate authorizing the credit and provisions for recapture in the event the business has moved out of state and the investment has remained with the business less than 3 years. Some small businesses may be affected.

Questions/ requests for copies: Paul Caselton, DOR, Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

NURSING LICENSES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled "Nurse Practice Act" (68 Ill Adm Code 1300; 38 Ill Reg 2523), effective 8/1/14, increasing the fee for practical nurse and registered professional nurse licenses from \$30-\$40, the license restoration fee from \$20-\$50 and the cap for restoration fees from \$125-\$250. Nurses and their employers are affected by this rulemaking.

MEDICAL PRACTICE

DFPR also adopted amendments to the Part titled "Medical Practice Act of 1987" (68 Ill Adm Code 1285; 37 Ill Reg 13821), effective 8/1/14, implementing Public Act 97-622, which requires fingerprint-based criminal background checks for persons seeking licenses to practice medicine in Illinois. The rulemaking requires applicants for permanent or temporary licensure as physicians, residents, participants in post-graduate or specialty training, or visiting professors at a medical school to submit verification of fingerprint processing by the Illinois State Police. Processing may be completed electronically by a vendor licensed by DFPR or certified by ISP, or (in the case of out-of-State applicants who cannot use the ISP process) via submission of ink fingerprints to ISP on a fingerprint card. Prints must be taken within the 60 days prior to application. Those affected by this rulemaking include physicians, their employers, medical students, and medical schools. Since 1st Notice DFPR removed fingerprinting

requirements for temporary physician licenses and visiting physician permits

DENTISTRY

DFPR also adopted amendments to "Illinois Dental Practice Act" (68 Ill Adm Code 122; 37 Ill Reg 13687), effective 7/25/14, updating licensure and continuing education (CE) requirements for dentists, dental assistants and dental hygienists. The rulemaking establishes a \$300 licensing fee for dental hygienists licensed outside Illinois to obtain in-State licensure and raises the restoration fee for an inactive hygienists' license from \$20 to \$50. The rulemaking also repeals an examination requirement for dental specialists, who now need only to file an application for specialist licensing. Test scores from the American Board of Dental Examiners, Inc. for dentists or dental hygienists will no longer be accepted. Restricted faculty licenses will only be issued to dentists who are currently licensed in another jurisdiction. For persons wishing to restore inactive licenses, 48 CE hours within the preceding 3 years are required; if the license has been inactive for 5 years or more, certification in Basic Life Support (BLS) for health providers is also required. Proof of BLS certification is required for license renewal and restoration for all dentistry-related licenses. Specialists wishing to restore inactive licenses after 5 or more years on inactive status must complete any additional training, testing, or remediation required by the Illinois Board of Dentistry. Dental hygienists and dental assistants may perform amalgam fillings provided they meet specified training, examination and supervision requirements. The rulemaking also adds a new Section with rules for transferring the practice of a dentist who has died or become incapacitated to other dentists. The executor or administrator of the dentist's estate, or the dentist's legal guardian, may contract with another dentist to continue the practice for no more than 1 year after the death or incapacitation of the original dentist. The executor, admin-

istrator or guardian must file an application with DFPR that includes the name and license number of the dentist, a signed affidavit, required fees, the name and address of the practice, identification information for the estate, name and license number of the dentists taking over, and a copy of a death certificate (if applicable). All patients must be notified by the executor, administrator or guardian within 30 days of the death or incapacitation of the dentist. The rule includes standards for determining whether a dentist has become incapacitated; affected dentists may appeal a determination and all dentists will remain in good standing until a final determination is made. An incapacitated dentist's license will be restored if he/she requests it and submits a statement from a licensed physician verifying that the dentist is no longer incapacitated. Other topics addressed in this rulemaking include monitoring of sedated patients and permit requirements for administering sedation. Dentists, dental hygienists, dental assistants and continuing education sponsors may be affected by this rulemaking. Since 1st Notice DFPR clarified requirements for training for hygienists and dental assistants to monitor sedation. The 12 training hours are broken down to include 6 hours of didactic education and 6 hours of clinical training. Dentists holding permit A or B may conduct the clinical training component, for hygienists and assistants they employ, as part of an approved course. The number of hours of training concerning amalgam restorations required of hygienists and assistants has been decreased from 52 to 40 hours. The term "conscious sedation" has been restored throughout the Part.

Questions/requests for copies for the above 3 rulemakings: Craig Cellini, DFPR, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813.

CONCEALED CARRY FIREARMS

The ILLINOIS STATE POLICE adopted emergency amendments to "Firearm Concealed Carry Act Procedures" (20

New Regulations

Ill Adm Code 1231; 38 Ill Reg 16010), effective 7/10/14, for a maximum of 150 days that establish procedures and basic operation requirements of the Concealed Carry Licensing Review Board. Hearings are restricted to law enforcement officials and the applicant and legal counsel representing either party and are allowed only

for matters that cannot be conveyed in writing. The Board will may only determine whether to deny or approve an applicant based on information from law enforcement, the applicant or as requested by the Board. The Board may require submission of electronic fingerprints from an applicant. Public comment is not accept-

able. Board deliberations are exempt from the Open Meetings Act and the Freedom of Information Act. Sets standards for denial of a permit. This rulemaking may affect not-for-profits and small businesses engages in fire-arm concealed carry license training courses.

Proposed Regulations

performance for participating physicians. The 2nd rulemaking implements 3 Public Acts. PA 87-665 removed the Act's definition regarding designate shortage area and the requirement that a grant recipient work in a shortage area after graduating from dental school. PA 91-798 repealed the Act's requirement regarding the creation and administration of the Dental Student Grant Advisory Committee. PA 97-396 updated the definition of "racial minority".

Trust Stabilization Fund (the recipient must be a not-for-profit corporation exempt from federal taxation, is organized under the General Not for Profit Corporation Act of 1986 and must comply with Charitable Trust Act). Additional grant award criteria are that the charity must be domiciled in Illinois, have one full-time equivalent employee and have adopted a non-discrimination policy. The Charitable Trust Stabilization Committee (created by statute, comprised of the Treasurer, Attorney General, Lieutenant Governor, Director of Department of Commerce and Economic Opportunity, Director of the Division of Financial Institutions of the Department of Financial and Professional Regulation (of those named parties' designees) and 6 citizens appointed by the Treasurer shall give special attention to grant applicants with an operating budget of less than \$1 million and that are located in a depressed area as defined in the Illinois Enterprise Zone Act. Grant applications must include federal IRS documentation and Illinois Attorney General documentation under the Charitable Trust Act, as well as contracts with professional fundraisers, Articles of Incorporation, etc., a listing of all officers, directors or trustees and addresses and contact information, and an inventory of all grants the applicant has received in the last 2 years, as well as other documentation deemed necessary by the Treasurer or the Committee. An initial review of an application shall be performed by the Treasurer and then reviewed by the Committee. The final recommendations of the Committee

for making grant awards shall not be binding on the Treasurer, who shall approve or deny the grant application in whole or in part. Applicants shall be notified by the Treasurer of the approval, denial or other action taken concerning a grant application. Grant awards may be used for stabilization purposes, with the amount determined by the State Treasurer, but shall not exceed \$25,000, and normally shall be for one year unless stated otherwise in the grant agreement. Statutory requirements for grant agreements are recited in the rule, they shall: describe the purpose of the grant award; specify how payments shall be made, permissible expenditures for grant awards and applicable financial controls; the term of the grant award; have a right of inspection or audit of grant records by the Treasurer, Auditor or Attorney General, said records to be maintained for 6 years after the grant has ended; require that any outstanding grant funds be returned to the State after the grant period; etc. Grantees must submit a financial status report to the Treasurer detailing the use of grant funds within 6 months after the date of the grant award, as well as 60 days after termination of the grant award, unless otherwise specified in the grant agreement. The Treasurer shall publish information on the program on its website.

☞DPH also proposed amendments to "Water Well Construction Code" (77 Ill Adm Code 920; 38 Ill Reg 15874 adding a definition of "storm sewer"; reflecting the agreement between DPH and closed loop and water well drilling industries regarding the setback requirements between such wells and sources of contamination, specifically sewers. This rulemaking may have an effect on closed loop well contractors.

Questions/requests for copies/comments on the above 3 rulemakings until 9/8/14: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: dph.rules@illinois.gov.

CHARITABLE TRUSTS

The TREASURER proposed a new Part titled "Rules for Charitable Trust Stabilization Committee" (74 Ill Adm Code 650; 38 Ill. Reg. 15890). The rule defines key terms and recites statutory criteria for a recipient to be awarded grants from the Charitable

Questions/requests for copies/comments concerning these two rulemaking through 9/8/14: Neil Olson, Office of the Treasurer, 400 W. Monroe St., Ste. 401, Springfield IL 62704, 217/557-8235, Fax: 217/785-8554.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the August 12, 2014 meeting.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

"Licensing of Radioactive Material" (32 Ill Adm Code 330) proposed 5/23/14 (38 Ill Reg 10752)

"General Provisions for Radiation Protection (32 Ill Adm Code 310) proposed 5/23/14 (38 Ill Reg 10730)

"Licensing Requirements for Source Material Milling Facilities (32 Ill Adm Code 332) proposed 5/23/14 (38 Ill Reg 10760)

"Licensing and Radiation Safety Requirements for Irradiators (32 Ill Adm Code 346 proposed 5/23/14 (38 Ill Reg 10768)

DEPARTMENT OF INSURANCE

"Variable Contracts" (50 Ill Adm Code 1451) proposed 4/4/14 (38 Ill Reg 7446)

"Administrative Hearing Procedures (50 Ill Adm Code 2402) proposed 4/11/14 (38 Ill Reg 7731)

ILLINOIS RACING BOARD

"Medication" (11 Ill Adm Code 603) proposed 4/25/14 (38 Ill Reg 8783)

HEALTHCARE AND FAMILY SERVICES

"Medical Assistance Programs" (89 Ill Adm Code 120) proposed 4/4/14 (38 Ill Reg 7426)

"Children's Health Insurance Program" (89 Ill Adm Code 125) proposed 4/25/14 (38 Ill Reg 8698)

"Medical Payment" (89 Ill Adm Code 140) proposed 12/20/13 (37 Ill Reg 19971)

DEPARTMENT OF HUMAN SERVICES

"Temporary Assistance for Needy Families" (89 Ill Adm Code 112) proposed 4/4/14 (38 Ill Reg 7428)

"Related Program Provisions" (89 Ill Adm Code 117) proposed 4/4/14 (38 Ill Reg 7441)

"The Coal Mining Act" (62 Ill Adm Code 140) proposed 2/21/14 (38 Ill Reg 5010)

"The Illinois Oil and Gas Act" (62 Ill Adm Code 240) proposed 5/16/14 (38 Ill Reg 10624)

"Motor Fuel Tax" (86 Ill Adm Code 500) proposed 5/23/14 (38 Ill Reg 10885)

"Firearm Concealed Carry Act Procedures" (20 Ill Adm Code 1231) proposed 5/2/14 (38 Ill Reg 9205)

"Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill Adm Code 1910)